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Information Update

March 29, 1996

Update #26

ADHS would like to take this opportunity to update all of the licensed laboratories about the proceedings since our service of the Notice of Intent to Revoke the Regular License of Westech Laboratories. The following is a listing of the administrative pleadings, motions and orders filed in the case:

08-1-95	ADHS issued to Westech Laboratories a Notice of Intent to Revoke Regular License and Assess Civil Penalties.
08-9-95	Westech issued a Motion to Dismiss Notice of Intent.
08-18-95	ADHS's Opposition to Westech's Motion to Dismiss.
08-20-95	Westech's Reply in Support of Motion to Dismiss Notice of Intent.
08-25-95	ADHS Amended the Notice of Intent to Revoke Regular License and Assess Civil Penalties to include interview statements containing allegations by 5 former Westech employees.
08-31-95	Westech's Motion to Dismiss the Amended Notice and Motion for Partial Stay of Administrative Proceedings so its Fifth Amendment privilege.
09-5-95	Michael English's Joinder in Relief Requested by Westech Laboratories.
09-8-95	ADHS's opposition to Westech's Motion to Dismiss Amended Notice and Motion for Partial Stay.
09-11-95	Westech's reply in Support of Westech's Motion to Dismiss and Motion for Partial Stay.
09-11-95	Notice of Filing Hearing Transcripts.
09-11-95	Michael G. English's Supplemental Response Regarding Request by Westech Laboratories for Relief.

09-19-95	ADHS's Letter to Hearing Officer Providing Information Regarding Types of Violations ADHS was Unaware of in January, 1995 until receipt of the former employees statements.
09-24-95	Westech's letter to Hearing Officer Responding to ADHS's Letter Outlining the Types of Violation the Department was Unaware of in January, 1995.
10-20-95	ADHS's Motion for Order Compelling Westech's Production of Documents.
10-25-95	Order by the Hearing Officer Bifurcation the Hearing into a First and Second Phase. The First phase would deal with post January 1995 falsification issues and the Second Phase would deal with pre-January 1995 falsification issues and methods violations.
11-2-95	Michael G. English's Joinder in Relief Requested by Westech Laboratories Regarding Scope of Discovery.
11-3-95	Westech's Response to Department's Motion for Order Compelling Westech's Production of Documents and Cross Motion for a Protective Order.
11-9-95	ADHS's Response to Westech's Cross-Motion for Protective Order and Reply to Westech's Response to the Department's Motion to Compel Production.
11-13-95	Westech's Motion for Partial Summary Judgement on ADHS's Claim of Method's Violations.
11-17-95	Hearing Officer's Order Granting the Department's Motion to Compel Westech's Production of Document's and Granting in Part Motion for Protective Order, and Scheduling Response and Reply to Westech's Motion for Partial Summary Judgement Motion.
11-28-95	ADHS's Response to Westech's Motion for Partial Summary Judgement on ADHS's Claim of Methods Violations.
12-6-95	Westech's Reply in Support of Motion for Partial Summary Judgement on ADHS's Claim of Methods Violations.
12-18-95	ADHS's Supplemental Response to Westech's Motion for Partial Summary Judgement on ADHS's Claim of Methods Violations.
12-21-95	Westech's Supplemental Reply in Support of Westech's Motion for Partial Summary Judgement on ADHS's Claims of Methods Violations.
1-16-96	ADHS's Proposed Form of Ruling
1-22-96	Westech's Objections to ADHS's Proposed Form of Ruling.
1-22-96	Westech's Proposed Finding of Fact, Conclusions of Law and Order.
1-24-96	ADHS's Response to Westech's Proposed Form of Order, Objections To Findings of Fact, and Conclusions of Law and Order.
1-30-96	Westech's Second Request for Documents from ADHS.

2-1-96	Westech's Motion for Partial Summary Judgement Re: Electronic Recordkeeping.
2-21-96	Order Setting Prehearing Conference (Schedule of Responses and Replies to Westech's Partial Summary Motion Re: Electronic Recordkeeping and ADHS's Cross-Motion for Partial Summary Judgement, and scheduling of ADHS's Memorandum Regarding Method 502.2 (Revision 1.0).
2-21-96	ADHS's Response in Opposition to Westech's Motion for Partial Summary Judgement Re: Electronic Recordkeeping and the Department's Cross-Motion for Partial Summary Judgement.
2-28-96	ADHS's Motion for Partial Summary Judgement on Westech's Failure to Use Approved Methods.
2-28-96	ADHS's Motion for a Ruling on the Sufficiency of its Notice to Allege Violations of Version 1.0 of Method 502.2.
2-29-96	Westech's Combined Reply in Support of Motion for Partial Summary Judgement RE: Electronic Recordkeeping and Response to ADHS's Cross-Motion.
3-8-96	Westech's Combined Response to ADHS's Motion for Summary Judgement on Westech's Failure to Use Approved Methods and Cross-Motion for Summary Judgement RE: Enforceability of Version 1.0 of Method 502.2.
3-8-96	Westech's Response to ADHS's Motion for Ruling on the Sufficiency of ADHS's Notice to alleged Violations of Version 1.0 of Method 502.2.
3-12-96	ADHS's Reply In Support of the Department's Cross-Motion Re: Record Keeping.
3-15-96	ADHS's Reply in Support of its Motion for a Ruling on the Sufficiency of its Notice to Allege Violations of Version 1.0 of Method 502.2.
3-15-96	ADHS's Combined Response to Westech's Motion for Partial Summary Judgement Re: Enforceability of Version 1.0 of Method 502.2 and ADHS's Reply in Support of its Motion for Partial Summary Judgement on Westech's Failure to Use Approved Methods.
3-15-96	ADHS's Notice of Filing Original Affidavit.
3-20-96	Westech's Reply in Support of Westech's Cross-Motion for Partial Summary Judgement Re: Enforceability of Version 1.0 of Method 502.2.
3-25-96	Westech Motion for Partial Summary Judgement on ADHS's Claims of Additional Methods Violations.

To date the hearing Officer has not provided a written ruling or order concerning the Department's Enforceability of Version 2.0 or 1.0 of Method 502.2. Furthermore, a ruling or order by the hearing officer is only a recommendation to the director of ADHS. The Department will continue to enforce version 2.0 of Method 502.2 until the Director of ADHS has made a final ruling on this matter.

If anybody wishes to review the documents mentioned in the previous listing, please feel free to come into our Office on 3443 N. Central Ave, Suite 810 to see the public file.

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